**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**
**&**
**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929**

**WP(C).No. 25686 of 2007(G)**
**----------**

**PETITIONER:**
**----------**

**RADHA, D/O KUNJULEKSHMY,**
**SHAJI MEDICALS, PETTAH,**
**THIRUVANANTHAPURAM.**

**BY ADV. SRI.M.R.ANANDAKUTTAN**
**SMT.M.HEMALATHA**
**SRI.R.S.MADHU**
**SRI.MAHESH ANANDAKUTTAN**

**RESPONDENTS:**
**----------**

1. **YESODHA, M.G.VILASOM,**
   **POUDIKONAM, THIRUVANANTHAPURAM.**

2. **JAGADAMMA, PANNATHUVILA PARAYIL VEEDU,**
   **POUDIKONAM, THIRUVANANTHAPURAM.**

3. **KRISHNAMMA, PANDARAKKUDI VEEDU,**
   **PETTAH, THIRUVANANTHAPURAM.**

4. **CIRCLE INSPECTOR OF POLICE,**
   **PETTAH POLICE STATION, PETTAH,**
   **THIRUVANANTHAPURAM.**

**BY GOVERNMENT PLEADER SRI. SALIM P.A.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

*KSS*

**WPC.NO.25686/2007 G**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** **COPY OF THE JUDGMENT DTD. 9/07/2007 N WP(C) NO. 19336/07 OF THIS HON'BLE COURT.**

**EXT.P2:** **COPY OF THE F.I.R. NO.283 OF 2007.**

**EXT.P3:** **COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DTD. 14/07/2007.**

**EXT.P4:** **COPY OF THE SALE DEED.**

**EXT.P5:** **COPY OF THE PLAINT IN O.S.NO.178/05.**

**EXT.P6:** **COPY OF THE COMMISSION REPORT.**

**/TRUE COPY/**

**P.A.TO JUDGE**

*KSS*

**K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.**

---

Writ Petition (C) No.25686 of 2007-G

---

Judgment

Balakrishnan Nair, J.

The petitioner is the owner of 1.5 cents of land and a building thereon. A portion of the same was acquired for widening a road. Now, the petitioner wants to put up a rolling shutter for the remaining portion of the building. While so, respondents 1 to 3 obstructed the construction. Their relatives own the neighbouring property. So, the petitioner filed a petition before the Police and thereafter approached this Court. This Court, by Ext.P1 Judgment directed the Police to look into the complaint and take appropriate action. Pursuant to the said direction, it is submitted Ext.P2 crime has been registered. Again, when the petitioner started the construction, respondents 1 to 3 obstructed. Therefore, she filed Ext.P3 representation before the Police and thereafter, this Writ Petition is filed seeking appropriate reliefs.

2. The 4th respondent has filed a statement, stating that there is a dispute between the petitioner and respondents 1 to 3 regarding the boundary line, separating their properties. According to the Police, it is a civil dispute and

the Police cannot take any decision on it. The petitioner has filed a reply affidavit, stating that there is no boundary dispute and the boundaries are demarcated. It is also submitted that Ext.P5 suit filed by the relatives of respondents 1 to 3, is pending before the civil court. A prayer in that suit is to restrain the petitioner from encroaching into their property or making any construction in her property in violation of the Building Rules.

3. I heard the learned counsel on both sides. Having regard to the nature of the dispute, we feel that it is a civil dispute between the petitioner and the relatives of respondents 1 to 3. The Police cannot be assigned any role in settling the dispute. If the construction on the strength of the building permit is obstructed by respondents 1 to 3, the petitioner's remedy is to move the competent civil court and seek appropriate reliefs. In the result, the Writ Petition fails and it is dismissed without prejudice to the contentions of the petitioner and her right to move other forums for appropriate reliefs.

**K.BALAKRISHNAN NAIR,JUDGE**

03.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

sta